

Remarks

Claim 14 has been canceled. Claims 1-13 and 15-17 are pending in the application. The claims were rejected based on obviousness-type double patenting over U.S. Patent No. 5,768,809. Enclosed is a terminal disclaimer complying with 37 CFR 3.73(b).

35 U.S.C. § 112

Claims 1-13 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As suggested by the Examiner, applicant has amended claims 1 and 9 to consistently refer to a "ground-engaging structure." Thus, the basis for the objection is believed to be corrected.

35 U.S.C. § 102

Claims 9-12 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,628,129. Claim 9 also stands rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,492,047 to Arff and U.S. Patent No. 4,035,934 to Hrvnak. Claim 9 has been amended to require "at least three equidistantly spaced" cleat extensions. Such an arrangement is not anticipated by any of the cited references. Reconsideration and issuance of a notice of allowance are respectfully requested.

35 U.S.C. § 103

Claims 16 and 17 were rejected under 35 U.S.C. §103 as obvious from the teachings of the above cited references in view of the teachings of U.S. Patent No. 4,723,366 to Hagger or U.S. Patent No. 5,321,901 to Kelly. Claims 16 and 17 depend from claim 9, and therefore, among other things, require "at least three equidistantly spaced" cleat extensions adapted "so that when the cleat is attached to the receptacle, each cleat extension will be securely engaged above a receptacle restraining ledge."

None of the cited references, separately or in combination, suggests such an arrangement. Reconsideration and issuance of a notice of allowance are respectfully requested.

Conclusion

Applicant believes that no extension of time is required. This conditional petition is being made, however, in case applicant has inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972. It is submitted that all the claim rejections have been addressed and that all of the pending claims are now in a condition for allowance. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,



Jay Sandvos
Registration No. 43,900
Attorney for the Applicant

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
Tel: 617 443 9292
Fax: 617 443 0004
00430/00144 171144.1

VERSION WITH MARKINGS TO SHOW CHANGES

1. (amended) A method of installing a removable cleat to the sole of a shoe, the method comprising:
providing a cleat having:
 - a ground-engaging structure for engaging the ground; and
 - an attachment structure for removably attaching the cleat to the footwear, the attachment structure having a vertical axis, a base to which the top of the ground-engaging [member] structure is attached, and a plurality of extensions attached to the base;providing a receptacle for receiving and holding the cleat, the receptacle being mounted in the sole of a shoe, the receptacle having:
 - a wall defining a cavity between a receptacle top and a receptacle bottom, wherein portions of the wall extend radially inward toward a central vertical axis of the receptacle so as to define:
 - (i) a plurality of inclines within the cavity, and
 - (ii) a plurality of protuberances within the cavity, each protuberance extending radially inward toward the vertical axis further than the inclines;
 - a restraining ledge attached to the receptacle bottom and extending into the cavity so as to prevent downward movement of an installed cleat; and
 - an opening in the restraining ledge having at least three equidistantly spaced radially projecting lobes that extend radially outward from the central vertical axis of the receptacle; andinserting the cleat extensions through the receptacle opening into the receptacle cavity; and

engaging the extensions above the restraining ledges so that the cleat is securely attached to the receptacle so as to resist rotational movement of the cleat.

9. (amended) A removable cleat for a shoe comprising:
a ground-engaging structure for engaging the ground; and
an attachment structure for removably attaching the cleat to the footwear, the attachment structure having a vertical axis, a base to which the top of the ground-engaging [member] structure is attached, and [a plurality of] at least three equidistantly spaced extensions projecting radially outward from the base;
wherein the extensions are adapted for insertion into a cleat receptacle in the shoe to engage a receptacle attachment structure within the receptacle, so that when the cleat is attached to the receptacle, each cleat extension will be securely engaged above a receptacle restraining ledge.